

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re VEECO INSTRUMENTS, INC. : Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION :
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THIS DOCUMENT RELATES TO :
ALL ACTIONS :
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**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR ENTRY
OF AN ORDER APPROVING NOTICE OF PENDENCY
OF CLASS ACTION AND NOTICE PROCEDURES**

PLEASE TAKE NOTICE that, upon the papers to be filed with the Court, Lead Plaintiff, by its counsel Berger & Montague, P.C., will move the Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time determined by the Court, for entry of an Order approving a notice of pendency of class action and approving and directing procedures for providing the Class with notice of pendency of class action.

PLEASE TAKE FURTHER NOTICE that, Lead Plaintiff will rely upon the supporting Memorandum of Law, the Declaration of Phyllis M. Parker and accompanying Exhibits filed herewith.

A proposed form of Order is submitted herewith.

Dated: May 14, 2007

BERGER & MONTAGE, P.C.



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